



UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
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U.S. APPLICATION NO.

09/830964

FIRST NAMED APPLICANT

CARCAGNO

ATTY. DOCKET NO.

1909:0030002

INTERNATIONAL APPLICATION NO.

8/27/01 PCT/US99/26241

I.A. FILING DATE

08 NOV 99

PRIORITY DATE

06 NOV 98

DATE MAILED:

05 JUN 2001

STERNE KESSLER GOLDSTEIN & FOX
SUITE 600
1100 NEW YORK AVENUE
WASHINGTON DC 20005 3934**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.
☒ Copy of the international application. ☐ Translation of the international application into English.
☐ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.
☐ Copy of Article 19 amendments. ☐ Other: *Declaration of Sequence Listing August 5, 2001*
☒ Priority Document.
☐ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English. *Stat Bar January 5, 2002*

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

DOCKETED

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). **PREPAID.**

4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
 7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917☐ Notice of Defective Translation☐ PTO-875☒ PCT/DO/EO/920

Shakeel Ahmed

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3659

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*LIMITED TO MATTERS
AND PROCEEDINGS BEFORE
FEDERAL COURTS & AGENCIES
**REGISTERED PATENT AGENT
***SENIOR COUNSEL

November 5, 2001

WRITER'S DIRECT NUMBER: (202) 371-2585

INTERNET ADDRESS: CBOUCHEZ@SKGF.COM

Commissioner for Patents
Washington, D.C. 20231

Box: Missing Parts

Re: U.S. Utility Patent Application
Appl. No. 09/830,964; Filed: May 3, 2001
For: **Methods of Purifying Recombinant Human Erythropoietin from Cell Culture Supernatants**
Inventors: Carcagno *et al.*
Our Ref: 1909.0030002/JAG/CMB

Sir:

In reply to the Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) and Notice to Comply with Sequence Rules dated **June 5, 2001**, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Petition for Extension of Time under 37 C.F.R. § 1.136(a)(1) (in duplicate);
2. PTO Fee Transmittal Form PTO/SB/17 (in duplicate);
3. Copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
4. Copy of the Notification to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
5. Preliminary Amendment and Submission of Sequence Listing;

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5. Preliminary Amendment and Submission of Sequence Listing;
6. Paper and computer readable copy of Sequence Listing;
7. Original Declaration, executed by the inventors;
8. An original executed Power of Attorney from Assignee with Delegation;
9. Assignee 37 C.F.R. § 3.73(b) Statement with copy of Assignment attached;
10. Information Disclosure Statement (in duplicate);
11. Form PTO-1449 (19 pages);
12. Copies of references AA1, AB1, AC1, AD1, AE1, AF1, AG1, AH1, AI1, AJ1, AL1, AM1, AN1, AO1, AP1, AR1, AS1, AT1, AL2, AR2, AS2, AT2, AR3, AS3, AT3, AR4, AS4, AT4, AR5, AS5, AT5, AR6, AS6, AT6, AR7, AS7, AT7, AR8, AS8, AT8, AR9, AS9, AT9, AR10, AS10, AT10, AR11, AS11, AT11, AR12, AS12, AT12, AR13, AS13, AT13, AR14, AS14, AT14, AR15, AS15, AT15, AR16, AS16, AT16, AR17, AS17, AT17, AR18, AS18, AT18, and AR19;
13. Our Check No. 33073 for \$ 920.00 to cover a three (3) month extension of time under 37 C.F.R. § 1.136; and
14. A return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In accordance with 37 C.F.R. § 1.821(f), the paper copy and the computer readable copy of the Sequence Listing submitted herewith are the same. In accordance with 37 C.F.R. § 1.821(g), the submission of this sequence listing includes no new matter.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R.

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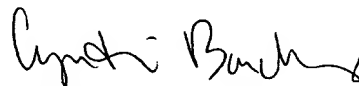
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§ 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Cynthia M. Bouchez

Agent for Applicants

Registration No. 47,438